

## REMARKS

In the Office Action dated June 5, 2009, claims 1-22 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over KWASNY (WO 02/076852) in view of Leoncavello (U.S. 6,305,576). Claims 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over KWASNY (WO 02/076852) and Leoncavello (U.S. 6,305,576) in view of Lipske et. al. (U.S. 3,425,589). Applicant's respectfully traverse these rejections. Reconsideration and allowance in view of the amendments and remarks that follow is respectfully solicited.

Claims 2, 3, 23, and 24 have been cancelled, thus, the rejection of these claims is rendered moot.

To more particularly claim Applicant's invention, Applicant has amended claim 1 to include the limitation that a portion of the inner casing defines the cover or membrane. Thus, the membrane and the inner casing are an integral one-piece design. Regarding support for this amendment in the original disclosure please refer to page 3, lines 25 to 30 of the Specification. See also page 11, lines 18 to 23 of the Specification. The integral one-piece design ensures a very reliable sealing between the inner casing and the outer parts of the pressurized can. An additional step and cost of connecting the membrane and the inner casing by connecting these pieces later on is avoided. Furthermore, the additional steps of connecting can have the disadvantage that leakages may occur, in particular after a long time of storage. For example, soldering may not be totally leak-proof all over the connecting points between the inner casing and the membrane while adhesives may not be totally resistant to the content of the pressurized can.

Applicant has also amended claim 1 to include the limitation that the pressure inside the inner casing is lower than the pressure outside the inner casing and that the membrane is comprised of a material sufficiently flexible so that in response to the higher pressure outside the inner casing the membrane bulges into the inner casing. Regarding support for this amendment in the original disclosure please refer to page 7, lines 6 to 12 of the Specification. See also page 12, lines 1 to 5 of the specification. The advantage of using a membrane that is capable of bulging out into the inner cylinder is that the membrane contacts the push rod at the point that is nearest to the membrane. This contributes to piercing a large-size hole into the membrane. Accordingly actuating the push rod will result in a very effective and fast destruction of the membrane resulting in a fast mixing of the content of the inner casing and

the content of the outer pressurized can. Bulging of the membrane ensures that the membrane rips over a large area. Accordingly, having actuated the push rod the opening of the inner casing is quite large. This phenomenon may be compared to using a needle for a balloon resulting not only in a single small hole in the membrane but in nearly total destruction of the membrane. For the user rapid mixture between the content of the inner casing and the outer can is quite important because most users do not want to wait for a long time after actuating the push rod. The typical user wants to use the pressurized can nearly immediately.

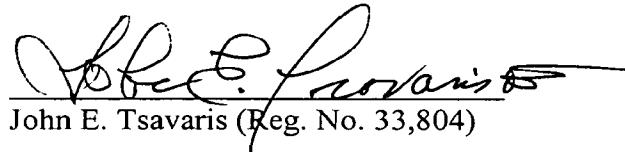
Applicant believes that claim 1 as amended is allowable and allowance of claim 1 is respectfully requested. Claims 4 to 22 and claim 25 depend either directly or indirectly from claim 1 and, thus, are also believed to be allowable. The allowance of claims 4 to 22 and claim 25 is also respectfully solicited.

If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicant's attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

Dated: Dec. 4, 2009

By:

Respectfully submitted,

  
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